

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS MANNS,

Petitioner,

No. CIV S-99-0123 LKK EFB P

vs.

ANA RAMIREZ-PALMER, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se. On October 20, 2000, Findings and Recommendations were filed recommending that petitioner's application for writ of habeas corpus be denied. On August 6, 2001, the assigned district judge adopted that recommendation and dismissed the case. Judgment was entered accordingly. Petitioner filed on January 25, 2007, a motion for relief from judgment, which was denied as untimely.

The court admonished petitioner in its July 31, 2007, order that it will issue no response to future filings by petitioner in this action not authorized by the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure. Petitioner has since filed a motion for a certificate of appealability.


The Federal Rules of Appellate Procedure state that an appeal permitted by law as of right may be taken only by filing a notice of appeal with the district clerk within 30 days. *See*

1 Rules 3, 4. The court informed petitioner in its April 10, 2002, order that the court has no record
2 of a notice of appeal ever being filed.

3 Accordingly, a certificate of appealability should not issue in this action.

4 IT IS SO ORDERED.

5 DATED: May 28, 2008.

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8 LAWRENCE K. KARLTON
9 SENIOR JUDGE
10 UNITED STATES DISTRICT COURT
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